

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,420

IN THE MATTER OF:

Served June 20, 2008

Application of KING SHUTTLE, LLC,)
for a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2008-073

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. The application is unopposed.

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission. If an applicant does not make the required showing, the application must be denied under Section 7(b).

An applicant for a certificate of authority must establish financial fitness, operational fitness, and regulatory compliance fitness.¹

Applicant proposes commencing operations with five sedans and one van. Applicant proposes operating under a tariff containing rates for mileage and/or hourly priced transportation, airport shuttle rates, rates for private pay ambulatory/wheelchair transportation, and rates for transportation under contracts with government agencies and private entities.

Applicant verifies that: (1) applicant owns or leases, or has the means to acquire through ownership or lease, one or more motor vehicles meeting the Commission's safety requirements and suitable for the transportation proposed in this application; (2) applicant owns, or has the means to acquire, a motor vehicle liability insurance policy that provides the minimum amount of coverage required by Commission regulations; and (3) applicant has access to, is familiar with and will comply with the Compact, the Commission's rules, regulations and orders, and Federal Motor Carrier Safety Regulations as they pertain to transportation of passengers for hire.

¹ In re *EMK Services Inc.*, No. AP-05-05, Order No. 8921 (Aug. 19, 2005); In re *Nevah Transports, LLC*, No. AP-02-121, Order No. 7001 (Jan. 21, 2003).

Normally, such evidence would establish applicant's fitness,² but in this case, it appears applicant may have a history of regulatory violations. Applicant was granted operating authority last year, but the issuance of a certificate of authority was expressly made contingent on applicant filing additional documents and passing a vehicle inspection conducted by Commission staff.³ Applicant failed to satisfy the conditions for issuance of operating authority within the time allotted, thereby voiding the Commission's approval.⁴ Documents obtained from MV Transportation, Inc., WMATC Carrier No. 764, indicate applicant has been performing passenger transportation in the Metropolitan District under contract with MV notwithstanding the lack of WMATC operating authority.

We will give applicant an opportunity to comment on the apparent violations under the MV contract before deciding this application.⁵

THEREFORE, IT IS ORDERED: That within thirty days of the date of this order, applicant shall show cause why the Commission should not find applicant unfit for transporting passengers for hire between points in the Metropolitan District without proper authority.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

² *In re Dan Allen t/a Allen Limo Serv.*, No. AP-08-012, Order No. 11,412 (June 13, 2008).

³ *See In re King Shuttle, LLC*, No. AP-06-231, Order No. 10,245 (Jan. 22, 2007) (conditionally granting Certificate No. 1352).

⁴ *See id.* (grant of authority void upon applicant's failure to timely satisfy conditions of issuance); Commission Regulation No. 66 (failure to comply with conditions of grant within 180 days voids approval).

⁵ *See In re Veolia Transp. Servs. Inc.*, No. AP-07-001, Order No. 11,130 (Feb. 6, 2008) (same).